



IFW

Atty. Dkt. No. 080488-0127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Horst K. Wieder

Title: METHOD AND APPARATUS
FOR MOLD TEMPERATURE
CONTROL USING AIR

Appl. No.: 10/632,066

Filing Date: 07/31/2003

Examiner: Monica A. Fontaine

Art Unit: 1732

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Rick L. Abegglen</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>August 4, 2005</u> (Date of Deposit)</p>

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed July 13, 2005, Applicant hereby provisionally elects Species I for examination, with traverse, and requests reconsideration of the restriction requirement for the reasons discussed below. The time for response to the restriction requirement set forth in the Office Action mailed July 13, 2005 is set to expire August 13, 2005 (one month after July 13, 2005), so this response is believed to be timely without extension.

The restriction requirement in the Office Action mailed July 13, 2005 asserts that the application contains claims directed to three patentably distinct species of the claimed invention:

- Species I: Claims 1-29, 47-49
- Species II: Claims 30-46
- Species III: Claims 50-55

As noted in M.P.E.P. §803, a proper restriction requirement requires two things: (1) the claimed inventions must be independent or distinct, and (2) *there must be a serious burden on the examiner*. Applicant respectfully requests that the restriction requirement be withdrawn in its entirety on the basis that there is no showing of any serious burden on the Examiner to examine all of the claims 1-55 for which Applicant has paid the required filing fees.


If the restriction requirement is not withdrawn in its entirety, Applicant hereby provisionally elects Species I (Claims 1-29, 47-49) for examination, with traverse.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 50-2350.

Respectfully submitted,

Date August 4, 2005

By  _____

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4207
Facsimile: (608) 258-4258

Rick L. Abegglen
Attorney for Applicants
Registration No. 47,371